

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Bail Appl..No. 4748 of 2007()

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(CRIME NO.199/07 OF THE IDUKKI POLICE STATION)**

PETITIONERS:

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- 1. SUMESH, AGED 28 YEARS, S/O T.N.SASI,
THANNIKUZHIYIL HOUSE, VANNAPURAM VILLAGE,
KALIYAR KARA, IDUKKI DISTRICT.**
 - 2. MATHEW @ SUNNY S/O JOSEPH,
THATAR KUNNAEL HOUSE, IDUKKI VILLAGE,
VAZHATHOPPU KARA, IDUKKI DISTRICT.**

BY ADV. SRI.RENJITH B.MARAR

RESPONDENT:

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THE SUB INSPECTOR OF POLICE,
IDUKKI POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J.

B.A.No.4748 of 2007

Dated this the 7th day of August 2007

O R D E R

Application for anticipatory bail. Petitioners are accused 2 and 3. First accused is the principal accused. Second accused is the son of the first accused. Third accused is the worker of first and second accused. They face allegations under Section 379 read with 34 I.P.C.

2. The first accused had come to this court earlier claiming anticipatory bail. By order dated 12/7/2007 in B.A.No.4230/07, the said petitioner was granted anticipatory bail, subject to conditions. The role of the petitioners is only supporting to that of the principal accused A1. I have adverted to facts in detail in the order dated 12/7/2007 in B.A.No.4230/07 and this order is to be read in continuation of that order.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that identical directions as were issued in favour of the first accused can be issued in favour of the petitioners herein also. In the total absence of objection by the learned Public Prosecutor, it is not necessary for me to advert to facts in any greater detail.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/08/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.50,000/-(Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 16/08/2007 and 17/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 14/08/2007, they shall be released from custody on their executing a bond for Rs.50,000/-(Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/08/2007.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007